



March 28, 2013

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of Ex Parte Communications: *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, WT Docket No. 11-49

Dear Ms. Dortch:

On March 27, 2013, my colleague Alan Norman, Access Principal at Google, and I met with Julius Knapp, Chief, Office of Engineering and Technology; Paul Murray, Assistant Bureau Chief, Wireless Telecommunications Bureau; and Geraldine Matise, Division Chief, Policy and Rules Division, Office of Engineering and Technology. We discussed the Commission's proceeding addressing Progeny LMS, LLC's request to use the 902-928 MHz band for licensed, high-power transmitters that may interfere with millions of lower-powered, unlicensed devices already operating in that band. On March 28, I had a follow-up conversation with Mr. Knapp on the same matter.

Consistent with Google's prior advocacy,¹ I stated that allowing Progeny to operate as currently proposed would impair one of the few existing unlicensed designations under 1 GHz and undermine the Commission's progress toward freeing up high-quality spectrum for unlicensed uses. Further, Progeny's proposed operation does not meet one of its license conditions, which prohibits Progeny's operations from causing unacceptable levels of interference to unlicensed users of the same spectrum.² This condition ensures "that LMS systems are not operated in such a manner as to degrade, obstruct or interrupt Part 15 devices to such an extent that Part 15 operations will be negatively affected."³ The tests conducted thus far fail to demonstrate that Progeny's always-on, broadcast operation can co-exist with the unlicensed users in the band. As a result, Progeny cannot show, as it must, that its current proposal complies with the license condition.

¹ See Letter from Aparna Sridhar to Ruth Milkman and Julius Knapp, *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, WT Dkt. 11-49 (Jan. 29, 2013); Letter from Aparna Sridhar to Maureen H. Dortch, *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, WT Dkt. 11-49 (March 11, 2013).

² See 47 C.F.R. § 90.353(d).

³ *Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems*, PR Docket No. 93-61, Order on Reconsideration, 11 FCC Rcd. 16905, ¶ 15 (1996).

Google Inc. Ex Parte
Dkt. 12-268 and WT Dkt. 11-49
March 11, 2013

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me should you have any questions.

Respectfully submitted,



Aparna Sridhar
Policy Counsel
Google Inc.

cc: Julius Knapp (by electronic mail)
Paul Murray (by electronic mail)
Geraldine Matise (by electronic mail)